

1 USA,

2 Plaintiff,

3 v.

4 ROBERT ROWEN,

5 Defendant.

6 Case No. 19-cr-00486-CRB-1

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8 **ORDER EXTENDING APPEAL  
9 DEADLINE**

10 On August 12, 2022, on limited remand from the Ninth Circuit to determine the  
11 basis of Defendant's untimely filing of his notice of appeal, the Court permitted Defendant  
12 to file a "short statement setting forth the reasons for his failure to file a notice of appeal  
13 within the applicable deadline." Order re: Missed Appeal Deadline (dkt. 165). Defendant  
14 declared that he was never served with the final judgment (which issued on February 15),  
15 and he and his attorney were unaware of it until after the appeal deadline of March 1. See  
16 Statement (dkt. 166). Defendant states that he became aware of the final judgment only  
17 when the Department of Justice contacted him (on March 25) for payment of restitution,  
18 and after which he filed a pro se appeal (on March 28). Id.

19 The Court finds that this reason constitutes "excusable neglect or good cause"  
20 permitting extension of time. Fed. R. App. P. 4(b)(4); United States v. Stolarz, 547 F.2d  
21 108 (9th Cir. 1976). The Court extends the applicable appeal deadline by 30 days to  
22 March 31, 2022. The Clerk shall provide a copy of this order to Ninth Circuit.

23 **IT IS SO ORDERED.**

24 Dated: August 15, 2022

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CHARLES R. BREYER  
United States District Judge